



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,204	12/29/2000	Michael Ray Crabtree	YOR920000652US1	9101

7590 11/12/2003

Blanche E. Schiller, Esq.  
HESLIN & ROTHENBERG, P.C.  
5 Columbia Circle  
Albany, NY 12203

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752109

Applicant(s)

Croftree

Examiner

Alan G

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 9/15/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3624

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is issued in reply to applicant's Request for Continued Examination(RCE)(Paper #9) filed 9/15/03.

2. Independent claims 1,24,34,57,67-69 and 92 were amended.

3. Claims 1,3-5,7-10,12-34,36-38,40-43,45-69,71-73,75-78,80-101 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-102 as amended, are rejected under 35 USC 103(a) as unpatentable over Barnes(US Pat. No:5,970,475) in view of Meltzer(US Pat. No: 6,125,391) and further in view of Fox(US Pat. No: 6,561,581).

6. As per claims 1-102, Barnes teaches a method for facilitating the exchange of goods/services(Abstract)(Fig 1)(Fig 2) utilizing the Internet(Fig 1)(Fig 6B) and incorporating suppliers and buyers(Fig 6B/106)(Fig 6A/84/78) incorporating a bank and a clearing mechanism(Fig 6A/50/18) as well as an invoicing mechanisms(Fig 10)(Fig 11)(Fig 22)(Fig 23)(Fig 24) and approved suppliers(Fig 16) for a commodity(Fig 5/12).Barnes further teaches

Art Unit: 3624

payment, clearance and settlement over the internet(Fig 1/14/20/18/12/16) between a buyer and seller.Barnes also teaches a procurement system(Fig 3/12) and a certificate authority(Fig 3/54) as well as a supplier system(Fig 3/16) a clearing gateway(Fig 3/50) as well as client registration(Fig 5/58) and shipment of goods(Fig 5/64) and a purchase order(Fig 5/66). Barnes further teaches an event handler (Fig 6A/80) and a certificate authority application(Fig 7/110) as well as making a purchase(Fig 11) and maintaining suppliers(Fig 14) and a supplier payments maintenance system(Fig 22).Barnes does not specifically teach a bid network for commodities and currencies and a trading structure architecture. Meltzer teaches a transaction network consisting of multiple trading partners(Fig 1) operating on the internet (Fig 1/19) including a bid(Fig 2/220/207)and a trading apparatus(Fig 3) incorporating commercial functions(Fig 3/305)as well as an attribute characterization and bid builder(Fig 7/700) and a database(Fig 7/706) and auction house bids(Fig 8/804) and warehouse bids for commodities(Fig 8/803) and currencies(Fig 818) and a GUI(Fig 9/900) to the user for the bidding process and publish bidding on the network(Fig 9/907)utilizing product identifiers from OEMs(Fig 8/820) and bidding by RFQs(Fig 8/813) including market maker mechanisms(Fig 11/1105) and an architecture consisting of market makers,marketplaces,businesses, services,transactions,products(Fig 16/1600/1601/1602 /1603/1604/1605/1606). Fox teaches a buy/sell model(Abstract) and a credential binding server(Fig 22/364)(Fig 1/26/28)(Fig 2/26/28)(Fig 6)(Fig 7)(Fig 10/180/179)(Fig 17/310)(Fig 18/310) at a trusted credential authority(col 2 lines 25-34).Meltzer does not specifically teach a selected business function of managing at least one contract term. Fox also teaches performing a

Art Unit: 3624

selected business function of managing at least one contract term associated with a transaction by the credential binding server(col 2 lines 25-43) as well as utilizing a network(col 2 lines 10-25). Fox further teaches generating/verifying a registration in the registration process(Fig 3/50/52/54/56/58/60) and a transaction process(Fig 6) consisting of verification(Fig 6/104) and encryption(Fig 6/110) and verifying the authenticity of the originator(Fig 7/122) through signature verification(Fig 7/120). Fox further teaches a commerce application(Fig 10/162) and encrypting and signing(Fig 12) and a merchant, acquirer, purchaser, and a binder(Fig 17/304/306/302/310) connected over a network(Fig 18/334/338) and purchaser application(Fig 19) and merchant application(Fig 20) and acquirer application(Fig 21) and a binder application(Fig 22). It would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer to teach part of the above. The motivation to combine is to teach a method for connecting business, customers suppliers and trading partners together as enunciated by Meltzer(col 2 lines 32-34). Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer and further in view of Fox to teach the disclosure. The motivation to combine is to teach a hub to facilitate the exchange of commodities in an electronic commerce system that facilitates commercial interchange of documents in a large audience while preserving authenticity, integrity and security and privacy as enunciated by Fox(col 2 lines 10-14).

Art Unit: 3624

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-102 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 69-101 are further rejected under 35 USC 101 for failing to define a functionality comprising a concrete and tangible result.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

Art Unit: 3624

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

\*\*\*\*\*

11. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

November 5, 2003

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER